

CITY OF PITTSBURGH

Department of Open Records

William Peduto, Mayor

Celia B. Liss, Open Records Officer

February 26, 2019

Beryl Lipton
MuckRock
DEPT MR 69497
411A Highland Avenue
Somerville, MA 02144-2516

RE: RTK No. 110-01-2019

Dear Ms. Lipton:

On February 22, 2019, the City of Pittsburgh Open Records Office received your written request for records pursuant to the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. §67.101 *et seq.* Your specific request is as follows:

Pursuant to the Pennsylvania Right to Know Act, I hereby request the following records:

1. *Records and materials related to the solicitation, acquisition, and use of face recognition technology and related software and services.*
2. *This software or services may be provided by Rekognition, Face++, and FaceFirst; this request is applicable to these and any other company providing facial recognition services under consideration or contract with this agency.*

Materials responsive materials include but are not limited to:

- a. *Agreements: contracts (including non-disclosure agreements), licensing agreements, nondisclosure agreements*
- b. *Bid records: Requests For Proposal (or equivalent calls for bids), sole source or limited source justification and approval documentation, documentation of selection, and other materials generated in the consideration and selection of the technology in question*
- c. *Company relations and communications: records related to meetings or follow-up actions with any vendors, companies, or other private entities marketing face recognition to this agency for immigration, intelligence, law enforcement, or other use.*
- d. *Financial records: purchase orders, invoices, and other memoranda and documentation.*
- e. *Marketing records: All marketing materials - unsolicited, requested, or otherwise - acquired from vendors of face recognition technology*

- f. *Policy records: any policy directives, guidance documents, memoranda, training materials, or similar records governing the use of face recognition technology for immigration, law enforcement, or other purposes.*
- g. *Training records: training material governing the use, sharing, or access to any related data related to or collected by the face recognition software/technology, including the legal standard that is required before using the technology*
- h. *Use and function records: Materials that describe the function of the software considered or in use by this agency, including emails, handouts, PowerPoint presentations, advertisements, or specification documents.*


Please limit the search to records produced from January 1, 2017 – present. Please include in your search as responsive records: communications, memorandums, background papers, meeting minutes, email exchanges, or presentation materials.

The RTKL requires that the City provide an initial response within five business days of receiving the request, or in this case, on or before March 1, 2019. The RTKL permits the City to take up to an additional thirty (30) days to provide a final response under certain circumstances, for example, when there is a bona fide staffing limitation in retrieving the requested records, when legal review is necessary, and/or if redaction of a public record is required. In this case, we are asserting our right to take an additional 30 days. See 65 P.S. §67.902(a).

The City is obligated to redact any non-public information from public records pursuant to any exceptions set forth in the RTKL. See 65 P.S. §67.706. Note that the City is not required to create records which do not currently exist or maintain information in a form in which it does not currently exist. See 65 P.S. §67.705. Additionally, nothing in the RTKL shall be construed to modify, rescind or supersede any of the City's record retention policies. See 65 P.S. §67.507.

Please expect our final answer within thirty (30) days of March 1, 2019. Thank you for your patience in this matter.

Sincerely,



Celia B. Liss
Open Records Officer

CBL/emh